

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.767 OF 2004
IN
NOTICE OF MOTION NO.1138 OF 2002
IN
B.C.C.C. SUIT NO.1627 OF 2002

Office Notes, office :
Memorandum of Coram, :
appearances of, Court's : Court's order Judge's orders
orders or directions :
and Registrar's orders :

Mr.J.J. Shukla for appellant.

Mr. N.V. Walawalkar with J. Xavier for
respondent B.M.C.

CORAM: V.C. DAGA, J.

DATED: 9TH SEPTEMBER, 2004.

. In view of the pursis filed, the
respondent-Corporation has withdrawn the
notice dated 8/3/2002 issued under section
314 of the B.M.C. Act. In this view of the
matter, the suit itself is rendered
infructuous. Consequently, the cause of

action for prosecuting suit as well as this appeal from order do not survive. The suit as well as this appeal stand dismissed for want of cause of action with no order as to costs. The pursis filed is taken on record. In the event of fresh notice, liberty is reserved in favour of the appellant to take suitable remedy. All rival contentions in that behalf are kept open.

2. The appellant undertakes to present this order to the trial Court to seek formal disposal of the suit as dismissed for want of cause of action.

3. Appeal stands disposed of with no order as to costs. No orders are necessary on civil application. The same stands disposed of with no order as to costs.

. Parties to act on an ordinary copy of this order duly authenticated by the Associate/C.S.
